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5 IN THE UNITED STATES DISTRICT COURT  
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7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 PAK LOURTH,

No. C 19-8294 WHA (PR)

10 Petitioner,

**ORDER TO SHOW CAUSE;  
GRANTING LEAVE TO PROCEED  
IN FORMA PAUPERIS**

11 v.

12 ERIK S. BONNER, et al.,

(Dkt. Nos. 2, 5)

13 Respondents.  
14 \_\_\_\_\_/

15 **INTRODUCTION**

16 Petitioner, a detainee of the Immigration and Customs Enforcement ("ICE") pursuant to  
17 a removal order, filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. §  
18 2241. His native country, Cambodia, will not allow ICE to return him there. Therefore, ICE  
19 has continued his detention indefinitely, which he challenges in the instant petition. He also  
20 seeks to proceed in forma pauperis pursuant.

21 **DISCUSSION**

22 **A. STANDARD OF REVIEW**

23 A district court may entertain a petition for a writ of habeas corpus challenging the  
24 execution of a federal sentence only on the ground that the sentence is being executed "in  
25 violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3);  
26 *United States v. Giddings*, 740 F.2d 770, 772 (9th Cir. 1984). The court should "award the writ  
27 or issue an order directing the respondent to show cause why the writ should not be granted,  
28 unless it appears from the application that the applicant or person detained is not entitled  
thereto." 28 U.S.C. § 2243.

1 **B. LEGAL CLAIM**

2 When liberally construed, the petition states a cognizable claim for habeas relief.

3 **CONCLUSION**

4 For the foregoing reasons and for good cause shown,

5 1. Petitioner's request to proceed in forma pauperis is **GRANTED**.


6 2. The clerk shall serve by certified mail a copy of this order and the petition and all  
7 attachments thereto upon the respondent and the respondent's attorney, the United States  
8 Attorney for the Northern District of California. The clerk shall also send a copy of the petition  
9 to the Attorney General of the United States in Washington, D.C.

10 3. Respondent shall file with this court and serve upon the petitioner, within **thirty** days  
11 of the date this order is entered, an answer responding to the allegations of the petition and  
12 showing cause why a writ of habeas corpus should not be issued. The respondent shall file with  
13 the answer a copy of all documents that are relevant to a determination of the issues presented  
14 by the petition.

15 4. If petitioner wishes to respond to the answer, he shall do so by filing a traverse with  
16 the court and serving it upon the respondent within thirty days of service of the answer.

17 **IT IS SO ORDERED.**

18 Dated: March 2, 2020.

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20 WILLIAM ALSUP  
21 UNITED STATES DISTRICT JUDGE  
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